

9:00 a.m./Council Chambers/Freeport City Hall May 8, 2018 Minutes

I. Meeting Opened

The May 8, 2018 Regular Council Meeting was called to order at 9:00 a.m. by Mayor Russ Barley. The meeting was held in City Council Chambers of Freeport City Hall.

Council Members present: Mayor Russ Barley, Councilwoman Elizabeth Brannon, Councilwoman Kasey Cuchens, Councilman Eddie Farris, Councilwoman Amanda Green, and Councilman William "Boots" McCormick

Staff present: City Clerk Rebecca Podraza, City Attorney Clay Adkinson, Finance Officer Sara Bowers, Finance Assistant Joyce Sunday, Water Supervisor Larry Tuggle, Sewer Supervisor Robert Fawcett, Parks Director Charles Simmons, Planning Director Latilda Hughes-Neel, Planning Technician Elizabeth McCombs, City Engineer Cliff Knauer, and City Engineer William Menadier.

II. Invocation and Pledge of Allegiance

The invocation was given by Councilman Farris, followed by the Pledge of Allegiance to the American Flag.

III. Recognition of Guests

Paul McDowell – Emerald Coast Baseball League

• Mr. McDowell presented on the New Emerald Coast Collegiate Baseball League and the sponsorship of a Municipal Team by the City.

IV. Public Comment on Consent Agenda: None

V. Approval of Consent Agenda

- 1. Bills Paid
- 2. April 24, 2018 Special Meeting Bay Area FRS
- 3. April 24, 2018 Workshop Impact/Capacity Fees

Council Action: Councilwoman Cuchens made a motion to pull Vendor Number 2054 from the Bills Paid Report prior to approval of the Consent Agenda. Councilwoman Brannon seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

Council Action: Councilwoman Cuchens made a motion to approve the Consent Agenda as presented with the exception of Vendor Number 2054, which has been pulled for further

The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, <u>Florida Statutes</u>, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.



9:00 a.m./Council Chambers/Freeport City Hall May 8, 2018 Minutes

discussion. Councilwoman Green seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

VI. Consideration of Additions/Deletions to Agenda

Additions

- Clerk EFI Grant Update
- Planning Layfette Creek Phase 2A Record Plat
- Councilman McCormick Recreation Facility Ordinance

Deletions: None

VII. Approval of Agenda with Additions/Deletions

Council Action: Councilman Farris made a motion to approve the Agenda with specified <u>Additions</u> and Deletions as presented. Councilman McCormick seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried

VIII. Staff Reports

A. City Clerk Matters

- 1. Auto Timer for the Council Room
 - Clerk Podraza advised the Council that a couple of requests have been made for the City to use a timer during public comment.

Council Action: Councilwoman Cuchens made a motion to approve the purchase of the Auto Timer to be used during Public Comment. Councilwoman Brannon seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried

2. Agenda Procedures

- In addition to the purchase of the timer, Podraza wanted to remind everyone of the procedures voted on by the Council regarding the Agenda Deadline.
- Podraza requested that Council set a time limit and approve the time which will be set for
 each member of the Community when Public Comment is called. Council discussion
 ensued regarding public comment and the meeting procedures. Currently the City does
 not have written guidelines for the Meetings. Council agreed to continue as they have been
 conducting the meetings which is as follows:
 - o Mayor will make a call for a motion

The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, <u>Florida Statutes</u>, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.



9:00 a.m./Council Chambers/Freeport City Hall May 8, 2018 Minutes

- Mayor will call for a second
- o Council discussion
- Staff input
- o Public comment
- O Vote will be taken.
- Attorney Adkinson offered to draft a Policy for the Council to adopt.

Council Action: Councilman Farris made a motion to authorize the City Clerk and the City Attorney, to present a policy which codifies the existing Meeting Procedures outlined above, and to include a three (3) minute time limit for public comment. Councilwoman Green seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

3. <u>EFI Grant Update</u>

 Clerk Podraza presented the Marketing Outline developed by Frances Roy Marketing for the 331 EFI Grant awarded to the City of Freeport. Frances Roy representatives will be asked to present at the next Council Meeting.

B. Finance Department

- 1. RFP For Auditing Services
 - Finance Officer Sara Bowers presented the RFP for Auditing Services for advertisement if approved.

Council Action: Councilwoman Cuchens made a motion to approve the RFP and advertise for Auditing Services. Councilwoman Brannon seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

C. Planning & Zoning Dept.

- 1. Planning & Development Review Board
 - City Planner Latilda Hughes-Neel requested permission to amend Article 2-03-03 (A. 2-d) Hughes-Neel is requesting the Council approval to change the number of members that would constitute a quorum from four (4) to three (3).

Council Action: Councilman McCormick made a motion to amend Article 2-03-03 (A. 2-d) of the Land Development Code to require three (3) members instead of four (4) members, to constitute a quorum. Councilwoman Brannon seconded the motion for discussion.

The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, <u>Florida Statutes</u>, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.



9:00 a.m./Council Chambers/Freeport City Hall May 8, 2018 Minutes

Councilwoman Brannon requested the Council be provided the attendance sheets from the Planning & Development Review Board Meetings. Council discussion ensued.

All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

2. Planning Board Appointment

Council Action: Councilwoman Cuchens made a motion to appoint Michael Gilley to the Planning Review Board. Councilman Farris seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

3. <u>Layfette Creek Phase 2A Record Plat</u>

• Planner Hughes-Neel presented the Plat and requested all Council Members to be sure and sign it after the meeting.

D. Legal Matters

- 1. Grinder Station Ordinance
 - Attorney Adkinson presented the draft Grinder Station Ordinance.
 - Sewer Supervisor Robert Fawcett requested Council discussion regarding questions from the public about installation of Sewer Grinder Stations.

Council Action: Councilwoman Cuchens made a motion to approve first reading, as well as schedule public hearing and second reading for adoption of the Grinder Pump Ordinance, at the second meeting in June. Councilwoman Green seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

Council Action: Councilwoman Green made a motion to no longer accept Pre-applications for grinder station installations as of May 8, 2018. Councilwoman Cuchens seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

2. Sewer Financing Discontinuation Resolution

• Attorney Adkinson presented the draft resolution, memorializing the discontinuation of the Sewer Financing, approved by Council on April 26, 2018.

Council Action: Councilwoman Brannon made a motion to approve Resolution No. 2018-05, which will memorialize the discontinuation of Sewer Financing, approved by Council on April 26,

The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, <u>Florida Statutes</u>, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.



9:00 a.m./Council Chambers/Freeport City Hall May 8, 2018 Minutes

2018. Councilwoman Cuchens seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

3. Opioid Litigation

• Attorney Adkinson advised the Council that local governments across the state have been entering litigation with distributors, as well as manufacturers of opioids, to attempt to recover societal costs incurred. The Beasley Allen Law Firm out of Montgomery, Alabama have expressed this is a claim worth evaluating. This would be at no out-of-pocket cost to the City and all Legal Fees for the City Attorney would also be paid by the Beasley Allen Law Firm.

Council Action: Councilwoman Brannon made a motion to approve the City Attorney and the Beasley Allen Law Firm to pursue the Opioid Litigation. Councilman Farris seconded. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

E. Engineering

- 1. Lagrange Park
 - City Engineer William Menadier presented the Lagrange Park Packet, including all the work previously done and the initial application to the Bureau of Land Management. Council discussion ensued.

Council Action: Councilman Farris made a motion to authorize Engineering to prepare a package, showing all completed and submitted documentation, reach out to the Bureau of Land Management to re-engage, begin the process to acquire the land and report back to the Council at the last meeting in May, to determine action needed by the Council. Councilwoman Brannon seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

- 2. Brandon Oaks Bid Results and Recommendations
 - City Engineer William Menadier presented the Bid Tab for the Brandon Oaks Sewer Improvements. The lowest most responsible bid was from H & T Contractors.
 Engineering requests approval to award the Bid to H & T Contactors. Council discussion ensued.

Council Action: Councilman McCormick made a motion to award the Brandon Oaks Sewer Improvement Bid to H & T Contractors for \$374,817.00. Councilman Farris seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, <u>Florida Statutes</u>, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.



9:00 a.m./Council Chambers/Freeport City Hall May 8, 2018 Minutes

F. Water Dept.: None

G. Sewer Dept.

• Sewer Supervisor Robert Fawcett Updated the Council on the biological upset at the Sewer Plant over the past week. This is being handled with DEP and Ron Trygar with the TREEO Center. the Council will be notified with updates.

IX. Old Business: None

X. New Business

A. Code Enforcement

- Mayor Barley advised the Council that he receives calls from the community continuously regarding areas that need to be cleaned up. The City does not have enough staff for code enforcement.
- Latilda Hughes-Neel advised, that as code violation reports are submitted, staff will document through photography what has been reported. Depending on the circumstances, staff will either send the owner a letter explaining the violation, or if it is a more severe problem, they will coordinate with Walton County to investigate on the City's behalf. There is an Interlocal Agreement in place that covers Code Enforcement, but the County will no longer follow-up. Staff only works on Code Enforcement once a month because of the work load and the City does not have a certified Code Enforcement Officer.
- Staff is working to include a part-time Code Enforcement Officer in the Strategic Plan as well as developing a job description to add a position to the 2018/2019 Budget.
- Staff explained the current process. Council discussion ensued. Attorney Adkinson will work on updating the Interlocal Agreement with the County and staff will report back to the Council with updates.

B. Council Member Meetings with County Representatives

- Clerk Podraza explained that the Council were all invited to meet individually with County Representatives. This item is on the agenda to provide an opportunity for the Council to discuss their meetings in an open public meeting together.
- Council discussion ensued, and the Council would like to formally ask for a joint meeting with the County Commissioners.

Council Action: Councilman Farris made a motion to send a letter and request a Joint Meeting with the Board of County Commissioners regarding the 331 Corridor Development.

The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, <u>Florida Statutes</u>, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.



9:00 a.m./Council Chambers/Freeport City Hall May 8, 2018 Minutes

Councilwoman Green seconded the motion. All ayes, (Brannon, Cuchens, Farris, Green, McCormick); motion carried.

• Council discussion ensued regarding their individual meetings with the County Representatives and the current Freeport Water/Sewer Systems, as well as future growth on the 331 Corridor.

C. Consent Agenda Item Pulled

 Vendor No. 2054-Red Grass Designs was pulled from the consent agenda for further discussion. This will be discussed during the Mayor's presentation on the Triangle Fountain.

D. Mayor Russ Barley

Triangle Fountain (The following Minutes for this item are verbatim.) Mayor Barley stated the following, "Ok, so, the next item is the Triangle Fountain and apparently there are some issues with either the Council has some problems with what we're doing there, because they've contacted the County, because I heard from County Commissioners, I heard from the County Administrator, and yesterday I met with Public Works and something that was brought to my attention in that meeting, indicated that someone had made a phone call to them, inquiring about this project that's going on, which was mentioned two meetings ago. Now in the past, the Town Planters Association has pretty much handled the Fountain and they never come before the Council at all indicating what they were going to do as far as replanting, repainting or whatever. As I stated a couple of meetings ago, I had received numerous calls about how it needed to be updated, how bad it looked in the center and this-that-and-the-other, so I took this project on as myself. No one else has brought this project up what-so-ever. What we did do immediately, is we added the four columns, which are five (5) feet above the top of the Fountain. It is now part of the Fountain. With that being said, I didn't think that there would be an issue, with as far as we only came out 16", with that being a problem with DOT. So, I called DOT. They actually told me that they do not handle that any longer, it's the County. However, Dawn McKee came to my office, she brought a crew with her, they measured, we are within the limits, there is no problem what-so-ever with DOT as far as they are concerned with Hwy 20. I also contacted Wilmer Stafford, I've spoken with him, I've spoken with Larry Jones, I have spoken with Chance Powell. I have filled out the necessary paperwork for a permit for this fountain. I have given you in detail, the information that I provided to the County. I now have to go, because it is a structure and not just a replacement of shrubs, I now have to go before the County Commissioners to

The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, <u>Florida Statutes</u>, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.



9:00 a.m./Council Chambers/Freeport City Hall May 8, 2018 Minutes

present this to them as well. Chance Powell came down yesterday. Wilmer Stafford came down on Friday. They have both viewed what has been done. They do not, at this point, see a problem what-so-ever. The cost of this project is approximately \$3,500.00 but the Town Planters Society has agreed to donate \$1,000.00 that pulls it down to \$2,500.00 for the City. I did not go into detail with the Council because this was in my spending limit to do this project and any other projects that I've done in the past, I have not been questioned about. But, before anything else is done on this, and hopefully I can answer all your questions, I would like a motion from the Council to proceed with this project and if not then it can stay as it is. And the thing that was in question on the Red Grass Designs, are the four (4) Orbs that go at the top of it, their open-air Orbs and again that's part of what will be the \$2,500.00."

• Councilman Farris stated, "I'll make the motion to proceed, I thank the Town Planters for what they do to make our City look better."

Council Action: Councilman Farris made a motion to proceed with the Fountain at the Triangle project. Councilman McCormick seconded the motion for discussion.

- Mayor Barley called for discussion on the fountain.
- Councilman McCormick asked, "What are some of the concerns from the Board about this project?"
- Mayor Barley, "I don't know. DOT received an anonymous letter about it. Because they told me."
- Councilwoman Green stated, "I'll start because it kind of goes into the 331 Marketing that we're working on, it has to do with our signs and our emblems and it's really about consistency of Freeport and who we are, and my only concern is that we need a plan and we need to make sure that everything is consistent. It definitely needs improving, I will say that, it does need improving, but it was so nonchalant that I was shocked when I saw columns going up, because I expected plants and a re-do and paint and some repairs to the fountain and the motor. I didn't expect a structure, so my concern is consistency and that's it, just consistency of Freeport, who we are, how we look, and how our branding is. And that's my concern because it was a surprise."
- Councilwoman Brannon Stated, "I agree with Councilwoman Green. I received several phone-calls over it also from different constituents wanting to know, is it a breakaway structure because their filled with concrete and rebar, if somebody gets hurt is it our fault, does it impede the vision of people that are driving through? And I do know that in the

The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, <u>Florida Statutes</u>, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.



9:00 a.m./Council Chambers/Freeport City Hall May 8, 2018 Minutes

past, we have voted and approved designs that were brought regarding that Triangle. I remember voting on it when it was first painted and all the different beautification projects. So, I was surprised, I mean beautification is different from construction in my view and so I didn't really have anything to say back to the constituents. I'm not sure if it's to code, if it's breakaway, if somebody hits it do we have any legal issues with it, that was my only question about it."

- Mayor Barley stated, "DOT and the County are both aware of the construction of the thing, but what I'm puzzled about is no one has brought this up before to even do anything to the fountain. I mean you pass by it and you think, oh it looks dated and it looks ugly, but no one's made any suggestions until we start doing work on it and then all of a sudden, it's a big issue. I'm just saying, the branding thing just today was brought to you, today, so you're going to go and change all the signs that you have ordered and everything to what she has presented today? And you're going to change everything about the town, the signs about the Sports Park, is that going to be changed too? I mean I'm just asking?"
- Councilwoman Cuchens stated, "Let me back up to the initial thing that you said, that no one has taken this project on, granted I can be honest with you, the stuff that we've dealt with today are the things that I've been focused on. I haven't been focused on the Triangle. I do believe as a Council that it represents all of us, it represents our City and it represents our Council. And I think as a courtesy, I wouldn't have felt that I should go and take on a project, a construction. I don't know if we had any engineering design, I don't know what's been done on it, and I don't know if those columns, well I know nothing about it. I literally know what I now have today. I just think that we talk about lack of communication that puts us in an awkward spot, we don't know what's going on in town and we haven't had discussion or heard what it is. Is it visually what's right for the City? We did know that we were applying for that Marketing Grant, we do know that over the last years we have talked consistently about trying to put money aside to do something to market our City and make us have a brand that when you see it you recognize it's Freeport. An improvement there one hundred percent needs to be done. I'm just going to ask, because I don't understand, if I misunderstood spending authority and limits. So, I'm going to speak to our staff members who also have it, if I've misunderstood, because we've given you spending authority, then that means that you may take that money and spend it additionally outside of your day-to-day operations? Then we need to look at that again. So, the same thing Mayor, I know that you have the spending authority because this Council gave it to you. But I didn't realize that meant that things could be done without approval from the Council. I really understood that to be something for daily operations, that if someone needed to order, like a filing cabinet, they could make those purchases, or someone needed to travel, those could be paid for. So, I think in light of

The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, <u>Florida Statutes</u>, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.



9:00 a.m./Council Chambers/Freeport City Hall May 8, 2018 Minutes

how it's going, we need a chance to agree, to know what it's going to look like, and how it's going to look to the whole City. We needed to understand the cost, because even if we approve that money, this has got to come out of something, it's got to come out of the budget somewhere, we don't have a pocket of money that just says random expenditures. So, it's still our responsibility to financially know what happens here. So, it's not that anybody doesn't appreciate the effort, it definitely needs a redesign, but I think we needed to do it as a group, like what we're trying to do with other things now and bring these projects for all of us to understand and know."

Mayor Barley stated there is a motion made and a second on the floor, all in favor. Two ayes, (Farris, McCormick); Three nays, (Brannon, Cuchens, Green); motion failed.

- Mayor Barley announced, "Ok, I will stop working on that and I will have those columns taken down and then whoever can be in charge of it."
- Councilwoman Cuchens asked, "May I offer something? Could we open discussion, because you have done work? Now, let me speak, what if we can work with where you've started? If we can find out that those are acceptable, can we look to use where you started and maybe change some of it? I mean, it may be a great idea, I think it just literally is once again, when you get stuff last minute, we got it yesterday, for the public's knowledge, we found this out yesterday. So, I think in fairness to your effort already, and to us, let's look at it.
- Mayor Barley said, "well I found out yesterday that there was an issue when you all contacted the County and DOT. I found that out yesterday too. So, if there was a problem, someone could have called me, because it's been going on for two weeks, or they could have called the City Clerk and she could have relayed the message to me. And then we could have had a Special Meeting for that. So, I found out about all of this the same time you all found out what I presented to you.
- Councilwoman Cuchens stated, "Well we can't directly communicate it to you."
- Mayor Barley, "well you could call the Clerk because she gets calls all the time about things that you people want."
- Councilwoman Green stated, "I did talk to Becky about it, and she didn't have any information at that point in time to give me or a drawing or anything, so, I'm sorry."
- Mayor Barley, "Well one of you work on the way you want it to be and bring it to the Council and let them discuss it. It's already been decided that we're not moving forward with it as is.
- Mayor Barley called the next item under Councilman McCormick.

The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.



9:00 a.m./Council Chambers/Freeport City Hall May 8, 2018 Minutes

E. Councilman McCormick

- 1. Recreation Facility Ordinance
- Councilman McCormick requested Council approval, to work with Legal and City Staff, to investigate and draft an Ordinance regarding rules to enforce issues with the City recreational facilities. Staff will bring something back to Council.

Public Comment

Engineer Knauer approached the podium and updated the Council on the SRF program.

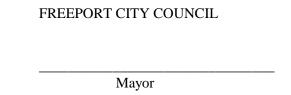
Engineer Knauer suggested an inspection proposal may need to be considered during the Brandon Oaks Sewer Upgrade project. The hourly cost would be consistent with the current rates that the City has with Dewberry Preble-Rish. This will be presented at the next meeting.

Mr. Mike Crook approached the podium to address the Council regarding property maintenance and code enforcement.

Finance Officer Bowers requested the Council take action on Vendor Number 2054 which was pulled from the consent agenda. The Mayor will see if the item can be returned and the Council will vote on this item at the next Council Meeting, May 24th.

XI. Adjournment

Mayor Barley adjourned the meeting at 11:31 a.m.



The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, <u>Florida Statutes</u>, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.



9:00 a.m./Council Chambers/Freeport City Hall May 8, 2018 Minutes



The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.